

PROPOSED CHANGES TO THE ONTARIO PESTICIDE LICENSING SYSTEM

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MINISTRY OF ENVIRONMENT AND ENERGY

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Introduction

Both the federal and provincial governments are responsible for regulating pesticides. The role and functions of each level of government are complimentary and contribute to ensuring the safe and judicious use of pesticides while protecting human health and the environment.

Under the **federal** *Pest Control Products Act* the Pest Management Regulatory Agency (PMRA) is responsible for the in depth assessment of pesticide data provided by registrants on efficacy, health and environmental impacts. The process usually takes about 3-5 years and leads to a **federal decision on the registration of a pesticide** for use in Canada.

Provincial governments across Canada are responsible for regulating the post registration sale, storage, use and disposal of pesticides. This includes training and licensing of commercial pesticide operators, vendors and exterminators, imposing risk reduction measures, post-registration monitoring for adverse impacts, compliance and enforcement. Risk reduction measures encompass a variety of activities such as permits for high risk uses (i.e. building fumigations, treatments of weeds in aquatic environments), posting of signs following spraying in urban areas and dealing with spills and clean-ups.

In Ontario, these activities are carried out under the authority of the *Pesticides Act* and Regulation 914. Similar legislation exists in all other provinces.

In recent years, efforts to harmonize federal/provincial pesticide regulations have taken place. One of the first initiatives for harmonization was the development of national guidelines on training of pesticide applicators by a federal/provincial task force.

Consistent with these newly developed guidelines and following extensive consultation with industry trade associations, the Ministry of Environment and Energy (MOEE) is proposing to revise the existing pesticide licensing system to:

- a) reduce the number of classes of pesticide licences;
- b) provide an improved education program for commercial pesticide applicators (exterminators) which includes retraining every five years (similar to existing grower and vendor education programs); and
- c) introduce basic training requirements for unlicensed assistants (technicians).

At the request of industry associations, insurance requirements were also revised based on input from users and the insurance industry. The recommended changes to the insurance requirements are also included in this proposal.

Key highlights

OPERATORS	<ul style="list-style-type: none">• one class of operator licence and no examination requirement;• minimum requirements of \$2,000,000 (property damage and bodily injury) for third party liability insurance for operators of pest control businesses;
EXTERMINATORS	<ul style="list-style-type: none">• 12 classes of exterminator licences based on major pest management activities;• improved distance education program for pesticide exterminators administered on a cost recovery basis through Ridgetown College of Agricultural Technology (RCAT);• improved study modules written in plain language for each exterminator licence class;• more specific responsibilities for supervision of certified technicians.
TECHNICIANS	<ul style="list-style-type: none">• certified technicians to replace unlicensed assistants and restricted to the use of Schedules 2, 3, 4 and 6 pesticides under supervision;• distance education program through RCAT for technicians to become certified before applying pesticides;
VENDORS	<ul style="list-style-type: none">• two classes of vendor licences depending on the schedules of pesticides sold;• no distinction between selling pesticides at retail or wholesale;
FEES	<ul style="list-style-type: none">• revised licence fee structure is revenue neutral, except for normal adjustment for inflation.

A summary of the licensing system is presented in Appendix A. The following sections provide more detailed information on proposed changes for operators, exterminators, technicians and vendors and proposed timing of implementation.

Operators

- Under the proposed system, there would be one class of Operator licence consistent with the philosophy that this is a general business licence.

Existing System	Proposed System
Class 1 (structural, land, water)	Operator (structural, land, water)
Class 2 (structural, land)	
Class 3 (structural, water)	
Class 4 (land, water)	
Class 5 (structural)	
Class 6 (land)	
Class 7 (water)	

- Operators would not be required to write an examination in order to obtain an operator licence. It would continue to be the responsibility of operators to ensure that they are aware of Ontario's pesticide laws including the use, storage, transportation and disposal of pesticides.
- As under existing legislation, operators must either hold an exterminator's licence or must employ a licensed exterminator to perform or supervise each extermination. There must also be a licensed exterminator(s) present at each business location.
- The Operator licence would be renewable on an annual basis.

Insurance requirements for operators

- Comprehensive general third party liability insurance for property damage and bodily injury in a combined limit of not less than \$2,000,000 for each occurrence. These limits are considered minimum requirements and operators should ensure that they have adequate insurance coverage. The policy must include a limited pollution endorsement in an amount not less than \$200,000 per occurrence combined on bodily injury and property damage.
- Operators who run aerial extermination businesses must also obtain aviation liability insurance in a combined limit for property damage and bodily injury of not less than \$2,000,000. An aggregate limit of \$2,000,000 for both liability insurance policies would be acceptable. The aviation liability policy must include an endorsement for pesticide drift in the amount of \$25,000 for property damage and not less than \$100,000 for bodily injury.
- The deductible per occurrence for all policies would be set at a maximum of \$2,500.
- A revised certificate of insurance is included in Appendix B.

Implementation of proposed operator changes

- Implementation of the proposed changes to operator licences would take effect on **February 15, 1996**. As in the past, operators would receive renewal notices from MOEE before their existing operator licences expire on February 15, 1996.

Exterminators

- Under the proposed system, there would be three types of exterminator licences (e.g. land, water and structural) and 12 classes of licences which correspond to major pest management activities (see Appendix A for description of proposed licences).
- Exterminator licences would not be limited to certain schedules of pesticide products but would authorize the exterminator to apply pesticide products appropriate to that particular class. Unless otherwise stated in the definition of the licence, all classes of exterminator licences would allow the use of all types of pesticides (e.g. herbicides, insecticides, fungicides, rodenticides, etc.). **There would no longer be any endorsed types of licences.**

Existing System			Proposed System		
Land	Water	Structural	Land	Water	Structural
Class 1 Schedule 2,3,4,6 herbicides non-agricultural	Class 1 Schedule 2,3,4,6 herbicides	Class 1 Schedule 1,2, 3,4,5,6	Landscape	Aquatic Vegetation	Fumigation
Class 2 Schedule 3,4,6 herbicides non-agricultural	Class 2 Schedule 2,3,4,6 other than herbicides	Class 2 Schedule 2,3,4,6 Assisting 1,5	Forestry	Mosquito/ Biting Flies	Structural
Class 3 Schedule 2,3,4,6 other than herbicides non-agricultural	Class 3 Endorsements	Class 3 Schedule 3,4,6 Assisting 2	Industrial Vegetation	Fish/ Mollusc	Termite
Class 4 Schedule 3,4,6 other than herbicides non-agricultural		Class 4 Assisting 3,4,6	Agriculture		Greenhouse /Interior Plant
Class 5 Schedule 2,3,4,5,6 other than herbicides agricultural		Class 5 Termiticides	Aerial		
Class 6 Schedule 2,3,4,6 herbicides agricultural		Class 6 Endorsements			
Class 7 Schedule 2,3,4,5,6 other than herbicides aerial use					
Class 8 Schedule 2,3,4,6 herbicides aerial use					
Class 9 Schedule 2,3,4,5,6 other than herbicides air blast duster use					
Class 10 Endorsements					

- Licensed exterminators would be able to supervise up to three certified technicians (see section on technicians). The supervising licensed exterminator is ultimately responsible for the acts and omissions of the certified technician.

Training of exterminators

- Under the proposed system, all new and existing exterminators would be required to undergo training and pass a certification examination.

- MOEE would no longer offer study packages and examinations. This activity would be carried out by Ridgeway College of Agricultural Technology (RCAT) through distance education on a cost recovery basis. The estimated cost of training for each class of exterminator licence is \$95.
- A new, improved curriculum has been prepared in a module format. There would be a core module that covers topics common to all licences as well as individual modules for each class of licence.
- RCAT would distribute the modules and other certification materials, provide telephone support for curriculum information and schedule participants to write their certification examinations. Examinations would be conducted by RCAT throughout the province and at a frequency sufficient to meet the demand.
- RCAT would issue certificates to those who successfully pass the examination.
- Once participants have obtained their certificate from RCAT, they would be required to apply to MOEE for an exterminator licence.
- Licensed exterminators would also be required to undergo recertification (retraining) every five years in order to renew their licence under the proposed system. MOEE will be consulting further with stakeholders on the process of recertification.

Implementation of proposed exterminator changes

- The proposed changes for **new applicants for exterminator licences** would begin in **September 1996**.
- Training of exterminators by distance education through RCAT would start in June, 1996.
- New applicants (i.e. exterminators applying for a licence for the first time) would need to obtain their RCAT certificate before applying to MOEE for one of the proposed exterminator licences.
- Existing licensed exterminators would **not** be "grandfathered" into the proposed system as stated in MOEE's original proposal. The reason for dropping this provision is that the licence classes under the proposed system are broader in scope and allow the licensed exterminator to do more pest management activities than the licences under the existing system.
- For **existing licensed exterminators**, MOEE proposes to begin implementation of the changes in **January 1997**.

- All licensed exterminators who are renewing their licences beginning in January 1997 would first need to obtain their RCAT certificate before applying to MOEE for one of the new exterminator licences.
- By the end of 2001, all existing exterminators would have been phased into the proposed system as their licences come up for renewal (see table below).

Current Licence Expiry Date	Licence Renewal	RCAT Certificate Required to Renew
1995	existing system	No
1996*	existing system	No
1997	proposed system	Yes
1998	proposed system	Yes
1999	proposed system	Yes
2000	proposed system	Yes
2001	proposed system	Yes

- * Licensed exterminators renewing in September 1996 may choose to obtain their RCAT certificate and move into the proposed system.

Technicians

- Under the proposed system, there would be provisions for up to three (3) certified technicians to apply pesticides working under the supervision of a licensed exterminator.
- Uncertified, unlicensed assistants (Section 31 and 101 of O.Reg. 914) would no longer be permitted to apply pesticides commercially.
- For structural exterminations, certified technicians would require "direct" supervision (i.e. hand in hand) by a licensed exterminator.
- For land and water exterminations, certified technicians would require "indirect" supervision with a visit once per day by the supervising licensed exterminator to observe the application procedures of the certified technician.

- Certified technicians would be required to maintain a log book and keep a daily record of the name of the supervising licensed exterminator. For land and water exterminations, certified technicians would also need to record the time and location of each on-site visit.
- The certified technician must be a minimum of 16 years of age.
- Certified technicians would **not** be allowed to perform the following duties:
 - product recommendations
 - selection of application methods or rates of application
 - mixing, loading and application of Schedule 1 and 5 pesticide products
- Certified technicians being supervised by licensed exterminators would be required to carry their certificates while "on the job".
- The technician's certificate would be valid for a period of one year and may be renewed only once following a successful repeat of the certification examination.
- At the end of two years, the certified technician would need to become licensed to continue to apply pesticides commercially.

Training of technicians

- Technicians would be required to undergo basic training and pass an examination covering the safe use and handling of pesticides before he/she could apply pesticides under supervision.
- RCAT would provide a distance education program for technicians on a cost recovery basis. The estimated cost of training for technicians is \$80.
- RCAT would be responsible for distributing core manuals, providing telephone support for curriculum information and scheduling applicants to write their examinations.
- RCAT would issue a certificate to those applicants who successfully pass their examination.
- The operator and/or supervising exterminator would be expected to provide additional training related to specific pesticide applications to be performed by the certified technician.

Implementation of proposed technician requirements

- Under the proposed system, the new requirements for certified technicians would take effect in **April 1996**.
- Training of technicians by distance education through RCAT would start in **January 1996**.

Vendors

- Under the proposed system, there would only be two classes of vendor licences dependant on the schedules of pesticide products sold. There would no longer be a distinction between selling pesticides at retail or wholesale.

Existing System		Proposed system
Wholesale Schedule 1,2,3,4,5,6	Class 1 Retail Schedule 1,2,3,4,5,6	Pesticide Vendor Schedule 1,2,3,4,5,6
Limited Wholesale Schedule 2,3,4,6	Class 2 Retail Schedule 2,3,4,6	Limited Pesticide Vendor Schedule 3,4,6
	Class 3 Retail Schedule 3,4,6	

- Current exemptions from vendor licence requirements as outlined in sections 116 and 117 of O.Reg. 914 would be retained.
- The vendor certification and recertification programs currently delivered through RCAT would continue to provide training and certification of pesticide vendors.

Implementation of proposed vendor changes

- Proposed vendor changes would take effect in **January 1996**.
- New applicants (ie. vendors applying for a licence for the first time) would apply for one of the vendor licences under the proposed system.
- Existing vendors (i.e. licensed prior to January 1996) would be "grandfathered" into the proposed system **by regulation change** for the remaining term of their existing licence.
- As vendor licences come up for renewal under the existing system, vendors would change to the proposed system.

Fees

- A revised fee structure for pesticide licences is presented in Appendix C. These fees are revenue neutral (based on total monies collected) but have been adjusted for inflation.

APPENDIX A

PROPOSED ONTARIO PESTICIDE LICENSING SYSTEM

OPERATOR LICENCE	VENDOR LICENCES	LAND EXTERMINATOR LICENCES	WATER EXTERMINATOR LICENCES	STRUCTURAL EXTERMINATOR LICENCES
Operator Operation of a pest control business.	Pesticide Vendor Sale of pesticide products in Ontario classification Schedules 1, 2, 3, 4, 5 & 6.	Landscape Use of pesticides outdoors, for the maintenance of turf and ornamental plantings on residential, recreational, commercial and public land, and for the maintenance of ornamental plants intended for sale. Excludes the use of fumigant gases.	Aquatic Vegetation Use of herbicides to control aquatic vegetation.	Fumigation Use of fumigant gases and chloropicrin to control pests within structures or other enclosed spaces.
	Limited Pesticide Vendor Sale of pesticide products in Ontario classification Schedules 3, 4 & 6.	Forestry Use of pesticides for forest management and the growing and maintenance of trees. Excludes the use of fumigant gases.	Mosquito/Biting Flies Use of insecticides to control mosquito or biting fly larvae or their adult stage.	Structural Use of pesticides to prevent or control pests in or around structures. Excludes the use of herbicides, fumigant gases, chloropicrin and termiticides. Excludes the use of pesticides to control pests of plants growing inside greenhouses and buildings.
		Industrial Vegetation Use of herbicides to control vegetation on rights-of way, roadsides, easements for linear utilities, and on access to works or to equipment. Includes the use of insecticides and fungicides on inground wood poles. Excludes the use of fumigant gases.	Fish/Mollusc Use of pesticides to control fish and mollusks.	Termite Use of insecticides to control termites, excluding the use of fumigant gases.
		Agriculture Use of pesticides for the production of agricultural crops, livestock and poultry, including pesticide use on Christmas tree plantations and sod farms. Includes the use of Aluminum Phosphide to control groundhogs but excludes all other uses of fumigant gases. Excludes the use of pesticides inside greenhouses.		Greenhouse/Interior Plant Use of pesticides to control pests of plants growing inside greenhouses and other buildings or structures, including the use of pesticides in areas immediately surrounding such greenhouses, other buildings or structures. Excludes the use of fumigant gases.
		Aerial Use of pesticides applied by airborne machines, including both land and water exterminations.		

APPENDIX B

Ontario Ministry of Environment and Energy
Approvals Branch
250 Davisville Avenue, 3rd Floor, Toronto, Ontario M4S 1H2

CERTIFICATE OF INSURANCE - PESTICIDE OPERATORS

THIS CERTIFIES TO THE ONTARIO MINISTRY OF ENVIRONMENT AND ENERGY THAT INSURANCE AS DESCRIBED HEREUNDER IS NOW IN EFFECT, SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED HERE AND INCLUDED IN THESE POLICIES, AND THAT SAID INSURANCE INTENDS TO SATISFY ENTIRELY AND WITHOUT EXCEPTION THE REQUIREMENT OF THE PESTICIDES ACT AND REGULATION 914.

INSURED NAME: _____
ADDRESS: _____
TELEPHONE: _____

BROKER NAME: _____
ADDRESS: _____
AGENT'S NAME: _____ TELEPHONE: _____
AUTHORISED SIGNATURE: _____ DATE: _____

INSURER COMMERCIAL GENERAL LIABILITY INSURANCE
NAME: _____
ADDRESS: _____
TELEPHONE: _____

POLICY NO: _____ POLICY PERIOD - FROM: _____ TO: _____
LIMIT OF LIABILITY: _____
(MINIMUM \$2,000,000 COMBINED LIMIT, BODILY INJURY AND PROPERTY DAMAGE, EACH OCCURRENCE AND IN THE AGGREGATED WITH THIS AND ANY OTHER POLICY OF LIABILITY INSURANCE AND WITH RESPECT TO PRODUCTS/COMPLETED OPERATIONS)
PROPERTY DAMAGE DEDUCTIBLE: _____ (MAXIMUM \$2,500 PER OCCURRENCE)

THIS POLICY INCLUDES THE FOLLOWING ENDORSEMENTS:

1. Ministry of Environment & Energy as Additional Insured.
2. Cross Liability Endorsement.
3. Severability of Interests Endorsement.
4. Thirty (30) days written notice to the Ministry of any Material Change (with respect to this Certificate) or Cancellation.
5. Pollution Liability Exclusion Amendment
LIMIT OF LIABILITY: PER OCCURRENCE ON PROPERTY DAMAGE AND BODILY INJURY
(MINIMUM \$200,000 COMBINED LIMIT). IT IS UNDERSTOOD AND AGREED FOR THE PURPOSE OF THIS ENDORSEMENT ANY PESTICIDES USED IN THE OPERATIONS OF THE INSURED ARE NOT POLLUTANTS, CONTAMINANTS OR IRRITANTS TO THE ENVIRONMENT.
6. Products and Completed Operations Endorsement (Subject to Policy Aggregate).

STAMP AND AUTHORISED SIGNATURE ONLY BY UNDERWRITER OF THE ABOVE INSURER:

DATE: _____ SIGNATURE: _____ TITLE: _____

INSURER AVIATION LIABILITY INSURANCE (AERIAL OPERATORS ONLY)
NAME: _____
ADDRESS: _____
TELEPHONE: _____

POLICY NO: _____ POLICY PERIOD - FROM: _____ TO: _____
LIMIT OF LIABILITY: _____
(MINIMUM \$2,000,000 COMBINED LIMIT, BODILY INJURY AND PROPERTY DAMAGE, EACH OCCURRENCE AND IN THE AGGREGATED WITH THIS AND ANY OTHER POLICY OF LIABILITY INSURANCE AND WITH RESPECT TO PRODUCTS/COMPLETED OPERATIONS)
PROPERTY DAMAGE DEDUCTIBLE: _____ (MAXIMUM \$2,500 PER OCCURRENCE)

THIS POLICY INCLUDES THE FOLLOWING ENDORSEMENTS:

1. Ministry of Environment & Energy as Additional Insured.
2. Cross Liability Endorsement.
3. Severability of Interests Endorsement.
4. Thirty (30) days written notice to the Ministry of any Material Change (with respect to this Certificate) or Cancellation.
5. Pesticide Chemical Drift Liability for Off Target Deposition:

LIMIT OF LIABILITY: PER OCCURRENCE ON PROPERTY DAMAGE (MINIMUM \$25,000)

LIMIT OF LIABILITY: PER OCCURRENCE ON BODILY INJURY (MINIMUM \$100,000)

IT IS UNDERSTOOD AND AGREED FOR THE PURPOSE OF THIS ENDORSEMENT ANY PESTICIDES USED IN THE OPERATIONS OF THE INSURED ARE NOT POLLUTANTS, CONTAMINANTS OR IRRITANTS TO THE ENVIRONMENT.

STAMP AND AUTHORISED SIGNATURE ONLY BY UNDERWRITER OF THE ABOVE INSURER:

DATE: _____ SIGNATURE: _____ TITLE: _____

APPENDIX C

LICENCE FEES ADJUSTED FOR INFLATION AND NEUTRAL REVENUE

Licence Type	Licence Fee	Term of Licence (Years)
Operator	\$ 200	1
Pesticide Vendor	\$ 350	5
Limited Pesticide Vendor	\$ 250	5
Land Exterminator	\$ 125	5
Structural Exterminator	\$ 125	5
Water Exterminator	\$ 125	5

